

APPROVED: Meeting No. 8-91

ATTEST: *Sharon H. Gran*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 7-91

March 11, 1991

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on March 11, 1991, at 7:35 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember Viola D. Hovsepien

Councilmember James T. Marrinan

Councilmember David Robbins

ABSENT

Councilmember James F. Coyle (Travel Leave)

In attendance: City Manager Bruce Romer, City Clerk Sharon Gran and City Attorney Paul Glasgow.

Re: City Manager's Report

1. Last week, 63 interested citizens participated in the first session of the Citizen Police Academy. It appears that this will be a very successful program, and there is already a waiting list for a second course to be held in the future.

2. The recommendations of the Task Force on Sprinkler Retrofitting are forthcoming in the near future as the members are coming to closure on their tasks.

3. With respect to the Public Safety Awards Program, Chief Treschuk and I participated in another planning meeting this morning, and the plans are progressing very well.

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4. Regarding the FY92 budget process, each department's budget has been reviewed in detail. Changes and modifications have been made which will form the basis of the recommended budget to be forwarded to the Mayor and Council on April 15.

5. There is a correction to Item D on tonight's agenda. A copy of the ordinance in the correct technical form has been placed before you for substitution.

6. The County Council public hearing on the Fire Tax District Consolidation legislation will be held tomorrow evening at the Council Office Building beginning at 7:30 p.m. Fifteen persons have signed up to speak, and Mayor Duncan will be testifying on behalf of the City.

7. Another successful Volksmarch was held over the weekend with 774 participants. The proceeds of over \$1,000 go to the Sister City Corporation.

Re: Presentation by Girl Scout
Service Unit #2 in Rockville.

Jenni Simpson of Senior Troop 2008 discussed her positive experience as a scout over the past 11 years. Mayor Duncan was re-registered as a Girl Scout, and representatives from Daisy (Courtney McCoy), Brownie (Erin Duffy), Cadet (Sara Merola), Junior (Theresa Keefe) and Senior (Jenni Simpson) Troops passed out cookies to the Mayor and Council and audience.

Re: Citizens' Forum

At this time, the Mayor opened the meeting to hear from any citizen who wished to address the Mayor and Council.

1. Dr. David Dzanis, Chairperson of the Working Group to Review the Proposed Animal Control Ordinance, updated the Mayor and Council on the progress being made in their review and proposed revisions to the Animal Control Ordinance. The group has been meeting weekly and should have a final report prepared by the end of March.

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Mayor Duncan noted how impressed he is with the level of effort put forth by the group. It was agreed that a worksession would be scheduled during the second week of April.

2. Steve Albersheim, 2267 Glenmore Terrace, referenced serious traffic safety problems at the intersections of I-270 and Route 28 and Hurley Avenue and Route 28. He indicated that a report is forthcoming from the State District Engineer regarding this matter and recommended solutions which may alleviate the problems.

Mayor Duncan requested a report back from the City Manager regarding this matter as soon as possible.

There being no other citizens wishing to be heard, the Mayor closed the Citizens' Forum portion of the meeting.

Re: Appointments

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, Lynn Fox was appointed to a two-year term on the Advisory Commission on Public Education.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Ruth Loevinger was appointed to fill the vacancy on the Board of Supervisors of Elections for the remainder of the unexpired term.

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, Charles Goldstein was appointed to a two-year term on the Cultural Arts Commission.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Charles Sandine was appointed to a five-year term on the Housing Authority Board of Commissioners.

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, Frances Vaughan was reappointed to a four-year term on the Human Rights Commission.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Kathryn Moch was appointed to a three-year term on the Senior Citizens Commission.

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Re: Approval of Minutes

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, the minutes of Meeting No. 6-91 (February 25, 1991) were approved, as written.

Re: Consent Agenda:

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, the following Consent Agenda Items were approved:

- A. Approval of Bid No. 68-91 for construction of a pond on hole #18 at Redgate Golf Course to Gebaut Samen Development Corp., Rockville, Maryland, for the low bid amount of \$53,723.

Funds in the amount of \$80,000 are budgeted for this project.

- B. Award of Bid No. 70-91 for the supply of water valve and sewer manhole adjustment rings as follows: low bidder, Charles County Pipe and Supply, Waldorf, Maryland, for \$27,666.20 for sewer manhole adjustment rings, and to low bidder, B and C Utility Supply, Finksburg, Maryland, for \$4,488, for water valve adjustment rings.

This two-part low bid totalling \$32,154.20 (for which \$35,000 has been budgeted) will supply the adjustment rings necessary for the City's annual street resurfacing (smoothseal) contract.

- C. Award of Contract to the low bidder, Audio Visual Imagineering, Inc., in the amount of \$31,500 for Hometown Holidays' laser show.

Funds in the amount of \$35,000 are budgeted for the laser show.

- D. Introduction of Ordinance to revise Chapter 19 of the Rockville City Code and regulations governing stormwater management and sediment control.

This action will bring the City's stormwater management and sediment control laws into conformance with state statutes.

- E. Introduction of Ordinance to amend Article XII, "Property Maintenance Code" of Chapter 5, "Buildings and Building Regulations" of the Rockville City Code so as to adopt the 1990 BOCA National Property Maintenance Code, Third Edition, with certain deletions, additions and changes.

- F. Introduction of Ordinance to enact special assessment levy for properties receiving special benefit from municipal construction activity on Gude Drive.

Assessments are proposed for nine properties benefitted by the Gude Drive Project for a total principal amount of \$2,843,353.96.

- G. Introduction of Ordinance to enact special assessment levy for properties receiving special benefit from municipal construction activity on Research Boulevard.

Assessments are proposed for four properties benefitted by the Research Boulevard Project for a total principal amount of \$1,162,320.89.

- H. Introduction of Ordinance to enact special assessment levy for property receiving special benefit from municipal construction activity on Research Boulevard.

Assessment in the total principal amount of \$35,650.44 is proposed for one property benefitted by the Research Boulevard Water Main Project.

- I. Introduction of Resolution to amend Section 2 of Article III, "Board of Supervisors of Elections; Members; Duties" of the Charter of the City of Rockville so as to provide for

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staggered terms for the Board of Supervisors of Elections beginning in 1991.

The initial terms of two members appointed in 1991 shall be for one year or until their respective successors are appointed and qualified, and the initial terms of the three remaining members appointed in 1991 shall be for three years or until their respective successors are appointed and qualified, so that the terms of two members shall be staggered with respect to the terms of the other three members.

Re: Adoption of Ordinance to amend Chapter 5, entitled "Buildings and Building Regulations," Article XII, entitled "One and Two Family Dwelling Code" of the Rockville City Code so as to adopt the 1989 edition of the CABO One and Two Family Dwelling Code with certain deletions, additions and changes.

Ordinance No. 5-91

The City Manager noted that these amendments were primarily housekeeping in nature with the addition of amendments to provide for construction methods which serve to reduce the level of radon infiltration into a dwelling.

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, Ordinance No. 5-91, the full text of which can be found in Ordinance Book No. 16 of the Mayor and Council, was adopted to amend Chapter 5, Article XII, entitled "One and Two Family Dwelling Code" of the Rockville City Code.

Re: Approval of Redgate Golf Course fees for the 1991 season.

The City Manager noted that these fee adjustments are presented following a great deal of review and with the endorsement of City staff, the Golf Course Advisory

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Committee, the Recreation and Park Advisory Board and the golf pro. Under the proposed fees, City residents would continue paying the current rates while non-resident fees would be increased to rates comparable with other area golf courses.

In response to Councilmember Robbins' question regarding the self-supporting status of the golf course, staff advised that the golf course has been self-supporting for a number of years and that these fees would provide a minimum of \$50,000 above operating expenses for the Capital Improvements Program.

Councilmember Marrinan commended staff on the well-prepared analysis.

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, the proposed fees for Redgate Golf Course for the 1991 season were approved.

Re: Approval of Rockville Municipal
Swim Center fees for the 1991
season

The City Manager provided an overview of the proposed fees as follows: membership fees are being held at their current level; there is a modest increase in special program fees which would take effect June 1; and the concept of a daily admission fee is addressed.

Councilmember Robbins commended the department on the establishment of a daily admission option. Councilmember Marrinan inquired as to whether the total costs of operating the Swim Center were recovered through fees. Staff responded that the pool operates as an enterprise fund and was fully supported by user fees, memberships and program fees prior to the recent renovations. Eighty-five percent of the Swim Center expenses, including debt service, are projected to be supported by membership and program fees this year.

The City Manager commented that there would be further discussion regarding the self-supporting status of the Swim Center during the budget worksessions. The effect of the daily admission rate would have to be assessed in the future, and a report would

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be forthcoming addressing the policy of full cost recovery and whether a shift in such policy may be warranted.

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, the proposed 1991 season fees for the Rockville Swim Center were approved.

Re: Discussion and Instructions
to Staff regarding proposed
ballot questions

Mayor Duncan commented that the issues of four-year terms for the Mayor and Council and a possible limit on the number of terms continue to emerge and relate back to 1984 when the questions were placed on the ballot at the request of Councilmember Hovsepian. He polled the Council as to whether they felt the questions should again be placed on the ballot.

Councilmember Marrinan commented that along with the four-year terms, there should be a review of the recall process as a secondary issue. He also indicated that the issue of limitation of terms involves a number of related issues, i.e., consecutive terms, same limitation for Mayor and Council, etc.

With respect to the recall process, Mayor Duncan indicated that the requirement of signatures of 20% of the voters for a recall seemed to be standard. Councilmember Hovsepian noted that she had raised a concern similar to Councilmember Marrinan's at the time the recall provisions were adopted in 1985, and thought it more appropriate to use a percentage of the number of people who had voted rather than those who are registered. It was determined at that time, however, that 20% is an appropriate figure.

Discussion followed regarding the limitation of terms, and it was determined that there is no reason not to submit this question to the voters. However, it was agreed that the ballot question should be general in nature and not specify a particular number of years or terms.

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The City Attorney was requested to draft the two questions to be placed on the November, 1991, ballot, and the Board of Supervisors of Elections will be notified that the Mayor and Council have requested that these two issues be placed on the ballot.

Re: FYI/Correspondence

Computers for Hispanics United for Rockville

Mayor Duncan requested that Lisa Rother be made aware of this item for inclusion in the "All America City" Award Application.

Lobbying for Main Street Commercial Districts

The Mayor and Council agreed to forward to the County delegation the letter requesting support of the Department of Housing and Community Development's budget items including the State Action Loans for Targeted Areas (SALT), Commercial District Management Authority (CDMA), Main Street Improvement Program (MIP), the Circuit Rider Program, the Maryland Downtown Development Association (MDDA) and the Financial Technical Assistance Program.

Letter from Delegate Forehand to Secretary of Transportation

Mayor Duncan expressed appreciation to Delegate Forehand for her request that the W. Montgomery Avenue repairs be initiated as soon as possible.

Re: New Business

Councilmember Marrinan stated that he had attended the National League of Cities Annual Congressional City Conference this past weekend as a representative on the Human Development Policy Committee. Councilmember Coyle, who previously served on the Human Development Policy Committee, has now been appointed to the Finance, Administration and Intergovernmental Relations. He noted there were many concerns expressed regarding the FY92 federal budget and its impact on cities, in particular, the CDBG program.

In today's Washington Post, there was an article regarding the costs to operate Metro and a proposed fare increase. Councilmember Marrinan expressed concern that such

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an increase would be counter-productive in that it would result in a reduction in ridership and an increase in the number of cars on the road. A public hearing on the proposed fare increase is scheduled for Wednesday, April 3, 1991, at 7:30 p.m. in the Council Office Building in Rockville.

Mayor Duncan commented that he had received a letter from County Councilmember Bruce Adams requesting that the City pass a resolution supporting COG's efforts to bring major league baseball back to the Nation's Capital. Councilmember Marrinan, as a member of COG's Board of Directors, will support the resolution when it is introduced on Wednesday, March 13. The Mayor and Council agreed to send a letter of endorsement to Councilmember Adams.

Proclamation No. 1-91

By a unanimous vote of the Mayor and Council, the United States Air Force Tactical Air Command Band and its conductor, Lt. Col. Lowell E. Graham, were honored for their concert to take place on March 14, 1991, at F. Scott Fitzgerald Theatre. Mayor Duncan read the Proclamation, the full text of which can be found in Proclamation File No. 6 of the Mayor and Council.

Re: Next Meeting - March 25, 1991

Mayor Duncan noted that amendments to the City's elections ordinance would be introduced at the next meeting. Other items for the next meeting, according to the City Manager, are the group home text amendment and three items emanating from a recent Retirement and Disability Board meeting: cost-of-living adjustment for retirees; codification of the City's pension plan; and recommended contract for actuarial services.

Mayor Duncan reminded everyone of the public hearing on the Fire Tax District Consolidation legislation scheduled for the following evening at 7:30 p.m. in the Council Office Building. He indicated that he hoped for a large turnout to oppose this increase of approximately 60% in the fire tax rate with no attendant increase in services.

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Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 8:47 p.m., to convene again in General Session at 7:30 p.m. on March 25, 1991, or at the call of the Mayor.